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PTO/SB/64 (11-03)

Approved for use through 07/31/2006 OMB 0651-0031

US Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.377(b)</b>		<b>Docket Number (Optional)</b> 22413-14 (formerly 380048-97)
<b>First named inventor: Nagy Adly Habib</b> <b>Art Unit: 1615</b>		
<b>Application No.: 10/625,232</b> <b>Examiner: Kishore, G.</b>		
<b>Filed: July 22, 2003</b>		
<b>Title: APPLICATOR FOR MICROWAVE RADIATION TREATMENT</b>		
<b>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-9306</b>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p><b>NOTE:</b> A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications, and</li><li>(4) Statement that the entire delay was unintentional.</li></ul>		
<b>1. Petition fee</b> <input type="checkbox"/> Small entity fee \$ _____. (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity fee \$ <u>1,370.00</u> . (37 CFR 1.17(m)).		
<b>2. Reply and/or Fee</b> <b>A. The reply and/or fee to the above-noted Notice in the form of:</b> <input checked="" type="checkbox"/> a Response to the Notice to File Corrected Application Papers and 2 sheets of formal drawings <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. <b>B. The issue fee of \$ _____. <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.</b>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officers, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

12/14/2004 AWONDAF1 00000026 501901 10625232

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

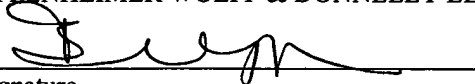
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c) subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

OPPENHEIMER WOLFF & DONNELLY LLP

December 8, 2004

Date

  
Signature

612.607.7595

Telephone Number

Barbara A. Wrigley, Reg. No. 34,950  
Oppenheimer Wolff & Donnelly LLP  
45 South Seventh Street, Suite 3300  
Minneapolis, MN 55402-1609

ENCLOSURES

- ☐ Fee payment
- ☒ Response to the Notice to File Corrected Application Papers
- ☐ Terminal Disclaimer
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Two sheets of formal drawings, Return Postcard

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

December 8, 2004

Date

  
Brea K. Taken

O I P E

DEC 13 2004

## FEE TRANSMITTAL

for FY 2004

Patent fees are subject to annual revision.

Applicant Claims Small Entity

Complete if Known

Application Number	10/625,232
Filing Date	July 22, 2003
First Named Inventor	Nagy Adly Habib
Examiner Name	G. Kishore
Group Art Unit	1615
Attorney Docket No.:	22413-14 (formerly 380048-97)

TOTAL AMOUNT OF PAYMENT \$1,370.00

## METHOD OF PAYMENT

1. ☒ Authorized to charge indicated fees or creditDeposit  
Acct No.  
Name:

50-1901

Oppenheimer Wolff &  
Donnelly LLPX Charge Any Add'l Fee Required  
Under 37 CFR 1.16 and 1.172. ☐ Payment Enclosed:  
☐ Check ☐ Credit

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee	Small Fee	Fee description	Fee Paid
790	395	Utility filing fee	
350	175	Design filing fee	
550	275	Plant filing fee	
790	395	Reissue filing fee	
160	80	Provisional filing fee	
SUBTOTAL (1)			\$0.00

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee	Fee Paid
Claims	- 20 =	18/9	
Ind. Claims	- 3 =	88/44	
Multiple Dependent		300/150	

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
88	44	Independent claims in excess of 3
300	150	Multiple dependent claim
88	44	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$0.00

\*\*or number previously paid, if great; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	Filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	\$1,370.00
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	130	1807	130	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee					
SUBTOTAL (3)					\$1,370.00

## SUBMITTED BY

Name Barbara A. Wrigley

Registration No.: 34,950

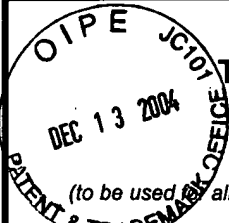
Complete (if applicable)

Signature

Date: December 8, 2004

Telephone: (612) 607-7595

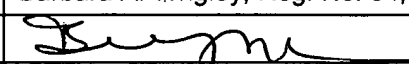
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

 <b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/625,232	
	<b>Filing date</b>	July 22, 2003	
	<b>First Named Inventor</b>	Nagy Adly Habib	
	<b>Art Unit</b>	1615	
	<b>Examiner Name</b>	G. Kishore	
<b>Total Number of Pages in This Submission</b>	10	<b>Attorney Docket Number</b>	22413-14 (formerly 380048-97)

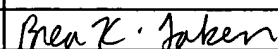
**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of the Notice to File Corrected Application Papers <i>Filing Date Granted</i> <input type="checkbox"/> Executed Declaration and Power of Attorney Document	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Revive Unintentionally Abandoned Application <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal C (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) please identify below): Return Postcard
<b>Remarks:</b>  		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>Name (Print/Type)</b>	Barbara A. Wrigley, Reg. No. 34,950
<b>Signature</b>	
<b>Date</b>	December 8, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: <u>December 8, 2004</u>			
<b>Typed or printed</b>	Brea K. Taken		
<b>Signature</b>		<b>Date:</b>	December 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.